
(2013) 08 JH CK 0019

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4497 of 2009

Sunand Prasad Sao

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 16-08-2013

Acts Referred:

Citation : (2013) 4 AJR 677

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Saibal Mitra, for the Appellant; Navnit Prakash, J.C to S.C.I., for the Respondent

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. The petitioner has approached this Court in the present writ application once again for directing the respondents to consider his candidature for appointment as a displaced person under the Subarnarekha Multipurpose Project in lieu of lands acquired in the year 1987-88.

2. The petitioner had earlier moved this Court in CWJC No. 3200 of 1993(R), which was however disposed of vide judgment dated 16th March, 2007, without any direction to appoint the petitioner, the same is also annexed as Annexure-2 to the writ application and Annexure-C to the counter-affidavit of the respondents and is quoted hereinbelow:

Pursuant to the order dated 20th September, 2006, separate counter-affidavits have been filed in these two writ petitions. Regarding Rakho Hari Sahu it is stated that he had obtained less than the cut-off marks of 450 and therefore, his case was not considered. Regarding the Sunanda Prasad Sao it is submitted that he was underage at the time of consideration of his case and he also secured less than the cut-off marks and therefore, his case was also not considered. The query from the Court stands satisfied.

These writ petitions are finally disposed of.

3. According to the petitioner his case was not considered at the relevant point of time as per the statements made by the respondents on being underage. As per Rehabilitation Policy, 2003, the petitioner has once again made an application before the Administrator, Subernarekha Multipurpose Project, respondent No. 6, but the same has not been considered although he belongs to Category-I of displaced person. Accordingly, the respondents be directed to consider his case for appointment as per the vacancies which are existing in Class-IV for the quota of Ichagarh Village.

4. Learned counsel for the Respondents-State however submits that in the earlier writ application being CWJC No. 3200 of 1993(R), the petitioner's case for appointment to any Class III or IV Post, as a displaced person was raised and considered and the writ petition was disposed of without any direction upon the respondents to make such appointment on the ground that he was found to be underage at the time of consideration of his case in 1990 and he also secured less than the cut-off marks. Against the quota of vacancies for the said village, total marks obtained by him in Matriculation Examination was 353, whereas selection of the candidates belonging to same backward classes category was done at 430 marks. Beside that, he was underage at the relevant point of time which has also been taken note of in the order dated 16th March, 2007. He further submits by relying upon the counter-affidavit filed in the earlier case which is annexed to the present counter-affidavit, as also other statements made in the present counter-affidavit, that under Rehabilitation Policy of 2003, the petitioner's father was entitled for rehabilitation grants of Rs. 75,000/- to which he has never applied. However if, he wants to claim self employment grant he should apply in a prescribed format whereafter the Rehabilitation Officer is required to sanction the grant in accordance with law. The details of the grant paid to the land looser (father of the petitioner) are indicated in para 12 of the counter-affidavit i.e. House Building Grant i.e. Rs. 20,000/-, Life Maintenance Grant, Rs. 12,000/- and a residential plot at Chawalibasa village rehabilitation site. In such circumstances, according to the respondents there is no legal right in a land looser to claim appointment as a matter of right.

5. I have heard learned counsel for the parties and gone through the materials on record. The petitioner admittedly had approached the High Court earlier in CWJC No. 3200 of 1993(R) for directing the respondents to grant employment to the land looser and also to quash certain appointment made on 05.06.1993, which was decided by judgment dated 16th March, 2007 along with CWJC No. 2419 of 1998(R), the extract of which is quoted hereinabove. The matter therefore had attained finality on the issue relating to appointment of the petitioner. However, now he claims that he is seeking employment in Class III post as per Annexure 7 series dated 06.08.2008.

6. On the other hand, it is the case of the respondents in the instant writ application also that the employment cannot be claimed as a matter of right on the ground of being a land looser. His case for employment in Class III or IV Post

was considered in the year 1990 and found to be underage and was also having lesser marks than other for consideration of his case for employment in the Category of displaced person to which he belongs.

7. In such circumstance therefore the petitioner has failed to make out a case based upon any legal right for directing the respondents to offer appointment to him on the ground of being in category of displaced person. At the same time Rehabilitation Policy, 2003 which is in vogue permits self employment grant of Rs. 75,000/- to a land looser who has not got appointment which the petitioner is at liberty to avail as per the respondents if he applies in a prescribed format. In that view of the matter, this Court is not inclined to issue any direction in favour of the petitioner for granting employment to him in the category of displaced person for the acquisition made in the year 1987-88 under the Subarnarekha Multipurpose Project. Accordingly, the writ petition is dismissed.